



Department
for Transport

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Dear Trade Body Chief Executives,

Over the past year my Hon Friend, the Transport Accessibility and Rail Minister, Chris Heaton-Harris, has written to transport industry representatives on several occasions, expressing his deep dissatisfaction at operators' continued failure to comply with the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) in the home-to-school (HTS) and rail replacement (RR) sectors.

The Regulations have revolutionised disabled people's access to local buses and long-distance coaches, but it is unacceptable that, two decades after their introduction, a lack of compliant coaches continues to prevent disabled school pupils and railway passengers from travelling on the same services as non-disabled people. It cannot be right that in 2021 disabled people can still be required to use segregated services regardless of their wish, or otherwise, to do so, and I am determined that this will change.

Local authorities, schools, colleges and transport operators must focus now on how they can provide services inclusively rather than seeking to avoid their legal obligations. It is my firm view, supported by our statutory advisors, the Disabled Persons' Transport Advisory Committee, that disabled people must have the right to travel like anybody else, and that organisations commissioning and operating services must play their part in making this possible.

To this end, I am writing not only to explain our longer-term plans for ensuring that bus and coach services are available to all, but also to ask the industry to focus now on what it can do to ensure that services today are provided inclusively.

The Future of Bus and Coach Accessibility

In March the Government published its National Bus Strategy for England, “Bus Back Better”, including a commitment to complete a review of PSVAR by the end of 2023. This review will ensure that the accessibility of bus and coach services continues to be informed by the needs and expectations of disabled passengers for the foreseeable future. I know that you will be eager to participate in the process and look forward to your support.

I am however also aware that PSVAR does not currently cover every service that a disabled person might seek to use, and that the exclusion of vehicles used for private hire work may have contributed to a lack of compliant vehicles available for HTS and RR services. Disabled people should be able to take coach holidays or to join their clubs and societies on days out without having to procure alternative transport, potentially at higher rates, and I have asked officials, as part of the review, to consider specifically how such services could be brought within scope of the Regulations. I understand that wheelchair lifts are sometimes removed from coaches when they cease to provide Scheduled services and have asked my officials also to explore whether this practice can be stopped, including in law.

Supporting Essential Services: Medium Term (from 2022 onwards)

HTS services are essential for ensuring children can travel to and from school in safety and rail replacement services ensure passengers can reach their destinations when services are disrupted. Whilst I recognise reluctantly that exemption from some PSVAR provisions cannot be avoided until there are sufficient compliant vehicles to meet demand, I am clear that such exemptions must not incentivise operators to stop investing in their fleets, and nor should they support delaying the making of accessibility improvements where doing so now is feasible.

I have therefore asked officials to develop plans for medium-term exemptions to begin in 2022, available only to operators which can demonstrate the steps they have taken proactively to provide compliant services. Whilst eligibility rules will be communicated in due course, and subject to consultation, I have asked my officials to explore only providing exemptions for the wheelchair requirements (Schedule 1 of the Regulations) and not for steps, gangways, handrails, etc (Schedule 3), unless some of the requirements in Schedule 3 cannot reasonably be complied with in the time available. Operators may also be expected to operate a minimum number of fully compliant vehicles in order to be eligible for any exemption. All operators should begin planning now if they anticipate requiring exemptions from 2022 onwards.

The 2022 exemptions will replace any exemptions issued to date.

Supporting Essential Services: Short Term (August 2021 to 31st March 2022)

In order to enable essential HTS services to continue operating in the immediate term we will consider applications for temporary exemptions (“Special Authorisations”) until 31st March 2022 for closed door home to school services, from August 2021, on the same terms as exemptions offered in Summer 2020.

Operators which may need to apply for these exemptions should email the Department now, at HometoSchoolExemptions@dft.gov.uk in order to be informed when application arrangements are released.

Train Operating Companies will be informed of any further arrangements for rail replacement services through the Rail Delivery Group.

Supporting services accessible to everyone

Twenty one years after PSVAR were introduced it cannot be right that disabled people still cannot travel as easily or confidently as non-disabled people, or without incurring additional cost. The exemptions we are offering are essential to enable vital services to run but they must not be used as a licence to discriminate. Train Operating Companies will still be expected to provide rail replacement services using compliant vehicles wherever possible, and I will write separately to the Rail Delivery Group specifying my continuing expectations of the rail industry and the requirements on them. Local authorities, schools and colleges must also take responsibility for procuring inclusive services. We will work with the Department for Education and the Devolved Administrations to inform commissioners of HTS services of our expectations, and to remind them of their legal equalities’ duties, with which they remain responsible for complying with.

I know that you recently met with my officials and I understand that was a helpful and constructive meeting. I welcome the trade bodies’ efforts to consider how bus and coach services can meet the needs of all their passengers including, for instance, taking proactive steps to investigate more inclusive approaches for providing step-free access to high-floor coaches. My officials stand ready to discuss the application of PSVAR with you further, and I hope that you will continue to work with us, helping your members to understand our expectations, harnessing their collective knowledge and expertise, and thinking creatively about solutions to the challenges that disabled people continue to face.

Breaking down the barriers that still prevent disabled people living the lives they want to is the duty of each of us, rather than someone else’s problem – and we must all do our bit to provide transport that enables access and promotes independence, helping disabled people to fulfil their potential.

I trust I can rely on your support to make this happen.

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BARONESS VERE OF NORBITON